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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	2:21-MJ-0185-DB
)	2:21-MJ-0186-DB
Plaintiff,)	
)	STIPULATION AND ORDER
v.)	CONTINUING PRELIMINARY
)	HEARING DATE
ELIYEN ALEJANDO ALARCON-)	
FLORES, and)	
JUAN JOSE VALENZUELA-)	Judge: Hon. Deborah Barnes
BUSTAMANTE,)	
)	
Defendant.)	

STIPULATION

The United States, by and through its undersigned counsel, and the defendants, by and through their counsel of record, hereby stipulate as follows:

1. By prior order, this matter was set for Preliminary Hearing on January 7, 2022.
2. By this Stipulation, the parties now move to continue the Preliminary Hearing until January 21, 2022, at 2:00 p.m.
3. The defendants made their initial appearance on December 10, 2021. The Preliminary Hearing was set for December 17, 2021. By stipulation and order, the Preliminary Hearing was continued to the present January 7, 2022 date.
4. The defendants are presently in custody pending trial in this matter.

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- 1 5. On December 14, 2021, there was an electrical fire at the SMUD substation in
2 downtown Sacramento. As a result, a large swath of downtown Sacramento lost
3 power, including the federal courthouse and the Sacramento County Main Jail.
4 Because of the power outage, the federal courthouse and the jail were closed to
5 public access.
- 6 6. In late 2021 and early 2022, there has been a surge in COVID-19 cases as a result
7 of the Omicron variant.
- 8 7. The defendants understand that pursuant to 18 U.S.C. § 3161(b), “any information
9 or indictment charging an individual with the commission of an offense shall be
10 filed within thirty days from the date on which such individual was arrested.” Time
11 may be excluded under the Speedy Trial Act if the Court finds that the ends of
12 justice served by granting such a continuance outweigh the best interests of the
13 public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The parties
14 jointly move to exclude time within which any indictment or information shall be
15 filed from the date of this order, through and including January 21, 2022, pursuant
16 to 18 U.S.C. § 3161(h)(7)(B)(iv), because failure to do so would “deny counsel for the
17 defendant . . . the reasonable time necessary for effective preparation, taking into
18 account the exercise of due diligence.”
- 19 8. Good cause exists under Rule 5.1(d) of the Federal Rules of Criminal Procedure.

20 **IT IS SO STIPULATED.**

22 DATED: January 6, 2022

/s/ Justin L. Lee
JUSTIN L. LEE
Assistant U.S. Attorney

24 DATED: January 6, 2022

/s/ Eduard Lazar
EDUARD LAZAR
Attorney for Juan Jose Valenzuela-Bustamante
(as authorized on January 6, 2022)

27 DATED: January 6, 2022

/s/ Christina Sinha
CHRISTINA SINHA
Attorney for Eliyen Alejandro Alarcon-Flores
(as authorized on January 6, 2022)

ORDER

IT IS SO FOUND AND ORDERED

Dated: January 6, 2022



DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE